

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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JACOB LAMBETH,
Plaintiff,
v.
JERMEY BEAN, *et al.*,
Defendants.

Case No. 2:24-cv-00636-RFB-DJA

**SUGGESTION OF DEATH AND
RELATED MATTERS**

14 This action began with a civil-rights complaint under 42 U.S.C. § 1983 and an application
15 to proceed *in forma pauperis* filed by state prisoner Jacob Lambeth. (ECF Nos. 1, 1-1). In
16 preparing to screen Lambeth’s complaint, it came to the Court’s attention that, according to the
17 Nevada Department of Corrections (“NDOC”) inmate database, he is listed as deceased. According
18 to the NDOC’s press release, Lambeth died in custody on July 14, 2024, and his next-of-kin was
19 notified. No party has filed a suggestion of death in this action, but that is not surprising
20 considering that Lambeth is the only party who appeared in this case, and the Court is not aware
21 that he had any other active lawsuits.

22 Federal Rule of Civil Procedure 25(a)(1) provides that, “[i]f a party dies and the claim is
23 not extinguished, the court may order substitution of the proper party.” “A motion for substitution
24 may be made by any party or by the decedent’s successor or representative. If the motion is not
25 made within 90 days after service of a statement noting the death, the action by or against the
26 decedent must be dismissed.” Fed. R. Civ. P. 25(a)(1).

IT IS THEREFORE ORDERED that Lambeth's application to proceed *in forma pauperis* (ECF No. 1) is DENIED as moot.

1 **IT IS FURTHER ORDERED** that the Office of the Attorney General of the State of
2 Nevada has 21 days from the issuance of this Order, to serve a copy of this order on Lambeth's
3 representative or next of kin and file proof of that service with the Court. If the Office of the
4 Attorney General is unable to locate and serve's representative or next of kin, it must file a notice
5 attesting to its inability to locate and serve someone.

6 **IT IS FURTHER ORDERED** that Lambeth's successor or representative, or any party,
7 has 90 days from the issuance of this Order to file a motion under Rule 25(a)(1) to substitute the
8 proper party for decedent-plaintiff Lambeth.

9 The Clerk of Court is kindly directed to add the Nevada Department of Corrections to the
10 docket as an Interested Party and electronically provide a copy of this order and copies of all items
11 previously filed in this case by regenerating the Notices of Electronic Filing on the Office of the
12 Attorney General of the State of Nevada by adding the Attorney General of the State of Nevada to
13 the interested party on the docket. This does not indicate acceptance of service.

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15 **DATED:** April 11, 2025.

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RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE